IMT Nuremberg Archives

H – 665

International Court of Justice

H0665 - 0002

Notice.

Not to be published until presented before the tribunal in open court and then only that portion actually submitted as evidence.

Ne pas publier avant présentation devant le tribunal en audience publique et seulement la partie réellement versée au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании трибунала и только ту часть, которая представлена в качестве доказательства.

H0665 – 0003

I certify that none of the documents included herein have been denied by the tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n4a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les règles du Tribunal, en date du 4 Avril 1946.

Ich bestaetige, dass keine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1946.

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers

H0665 - 0004

DOCUMENT BOOK

WILHELM FRICK

Submitted by the Defense Counsel

Dr. Otto PANNENBECKER

Attorney at Law.

H0665 - 0005

Table of Contents

Exhibit Frick No.		Page
1	Conference in the Reich Chancellery of 5 Nov 37	1
2	Conference in the new Reich Chancellery of 25 May 39	3
3	Schacht's interrogation by the prosecution of 24 May 45	5
4	Reich Defense Law of 4 Sep 38	7
5	Speech by FRICK	10
6	Affidavit by FRICK of 19 Nov 1945	12
7	Speech by Hitler of 21 May 1935	15
8	GOERING's interview with a correspondent of the "Daily Mail"	18
9	Speech by Hitler of 7 March 1936	20
10	Schacht's interrogation of 17 Oct 1945	22
11	Telegram of Cardinal, Archbishop SCHULTE of 8 March 36	24
12	Affirmation of the Bishops of Austria to the Greater German Reich of 18 March 1938	26
13	Statement by FRICK to the diplomatic corps in Berlin of 5 March 1934	30
14	Address by FRICK during a convention of the League for Germanism abroad (VDA) of 19 May 1934.	32
15	Decree by the Reich Minister of the Interior on the League for Germanism abroad of 24 Feb 1933.	35
16	Reichsgesetzblatt 1938, Part I, Page 249 (Austria)	38
17	Reichsgesetzblatt 1938, Part I, Page 1231 (Sudetenland)	40
18	Reichsgesetzblatt 1939, Part I, Page 559 (Memelland)	42
19	Reichsgesetzblatt 1939, Part I, Page 780 (Sudetengaulaw).	44
20	Reichsgesetzblatt 1939, Part I, Page 1548 (Danzig)	46
21	Reichsgesetzblatt 1939, Part I, Page 2042 (Eastern territories)	48
22	Reichsgesetzblatt 1939, Part I, Page 2077 (Poland)	50
23	Reichsgesetzblatt 1940, Part I, Page 803 (Eupen, Malmedy and Moresnet)	52

H0665-0006

Exh. FRICK No.		Page
24	Reichsgesetzblatt 1941, Part I, Page 765 (Central Office for Norway)	54
25	Excerpts from FRANK's Diary	56
26	Extract from the "Files of the Presidential Chancellery of the Fuehrer and Reich Chancellor	59
27	Reichsgesetzblatt 1939, Part I, Page 485, (Bohemia and Moravia)	62
28	Extract from the budget of the Reich Protector for 1944.	64
29	Extract from supplement No. 5 of the official Czechoslovakian report.	66
30	Extract from GOERING's book: "Reconstruction of a Nation" (Aufbau einer Nation)	68
31	Extract from a decree by the Reich Minister for the Interior about Protective Custody	70
32	Extract from the "Voelkische Beobachter" of 14 Apr 34	73
33	Extract from the book by SPOHR: "Legality of Protective Custody" (Recht der Schutzhaft)	76
34	Memorandum of the Reich and Prussian Minister of the Interior on the clarification of competency in police matters	78
35	Reichsgesetzblatt 1936, Part I, Page 487	83
36	Excerpt from the book, published by Dr. LEY "Decrees, Orders, Proclamations" (Verfuegungen, Anordnungen, Bekanntgaben)	86
37	Letter of the former Reichstag Delegate WULLE of 17 December 1945	89
38	Affidavit by FRICK to a member of the prosecution	93
39	Excerpt from the book by John GUNTHER "Inside Europe"	96
40	Reply to questions, put to GILLHUBER	98
H3	~~Interrogatory~~ Affidavit of Geo. Messersmith (Exh. No. 14)	

H0665-0007

Exhibit FRICK No. 1

Extract from a conference in the Reich Chancellery of 5 Nov 37

This document has already been presented by the prosecution under No. 386-PS-
USA Exhibit No. 25.

H0665-0008

The Fuehrer stated initially that the subject matter of today's conference was of such high importance, that its further detailed discussion would probably take place in Cabinet sessions. However, he, the Fuehrer, had decided NOT to discuss this matter in the larger circle of the Reich Cabinet, because of its importance.

H0665-0009

(Page 3 of orig.)

Exhibit FRICK No 2

Extract from a Conference in the New Reich Chancellery of 25 May 1939

This document has already been presented by the prosecution under No. L-79 USA Exhibit No. 27.

H0665-0010

(Page 4, lines 17 - 21, incl.)

Working principles:

1. No one is to participate who is not concerned.
2. No one may know more than it is necessary for him to know.
3. When must the person concerned know, at latest? No one may know of a matter earlier than is necessary for him to know of it.

H0665 - 0011

(Page 5 of orig.)

Exhibit ~~EDICH~~ No. 3

Extract from an interrogation of ~~SCHACHT~~ on 24 August 1945 by the prosecution

---

USA Exhibit No. 628

H0665 - 0012

(Page 6, lines 6 to 12 incl.)

Q. You wouldn't say that you were entirely ignorant of the political purposes of the Nazi Regime from the time they came into power until you left office? That would be an astounding statement.

A. Yes. I want to make the astounding statement that Hitler hid his political intentions from his collaborators, including the Ministers and other high officials.

H0665 - 0013

(Page 7 of orig)

Exhibit USA No. 4

Extract from the Reich Defense law of 4 September 1938

This document has already been presented by the prosecution under No. 2194-PS USA Exhibit No. 36

H0665 – 0014

(Page 8, lines 11-15 incl.)

(1) With the declaration of the state of defence the plenipotentiaries for the Reich Administration ("Generalbevollmaechtigte fuer die Reichsverwaltung" GBV) named by the leader and Reich chancellor takes over the uniform leadership of the non-military administration with exception of the economic administration.

H0665 - 0015

(Page 10
of ori..)

Exhibit Frick No. 5

Extract from a speech by Frick

This document has already been presented by the prosecution under No. 2609 - PS - USA Exhibit No. 714

H0665 - 0016

(Page 11, lines 6-13 incl.)

The planned preparation for a possible war was carried out during peace. For this purpose, the Fuehrer appointed a Plenipotentiary General for the Economy. The Plenipotentiary for the Administration was placed in charge of the coordination of the non-military administrations.

H0665 - 0017

Exhibit FRICK No. 6

Affidavit by FRICK of 19 November 1945

This document has been presented by the prosecution under No. 2586-PS-USA Exhibit No. 409.

H0665-0018

(Page 13, lines 1 and 8)

I was. Plenipotentiary for Reich Administration (Generalbevollmaechtigter fuer die Reichsverwaltung) from the time when this office was created, until 20 August 1943.

H0665-0019

Exhibit FRICK No. 7

Extract from Speech by Hitler of 21 May 1935

This document has already been presented by the prosecution under No. 2288-PS- USA Exhibit No. 38.

H0665-0020

(Page 16
of Orig.)

(Lines 16 - 26 incl.)

The Government of the German Reich shall therefore unconditionally respect the other articles concerning the community life of the nations, including the territorial settlements, and undertake the revisions that become unavoidable in the course of time only by means of friendly understanding. The Government of the German Reich does not intend to sign any treaty the execution of which it deems impossible; on the other hand, it will most carefully observe every treaty freely entered into, even if drawn up before its taking over of government and power.

H0665 - 0021

(Page 18
of orig.)

Exhibit Frick No. 8

Extract from the interview of GOERING by a correspondent of the "Daily Mail".

This document has already been presented by the prosecution under No. 2992 - PS - USA Exhibit No 52.

H0665 - 0022

(Page 19, lines 6 to 18 incl.)

General GOERING stated:

In the extension of our national defense (Sicherheit) it was necessary, as we repeatedly told the world, to take care of the defense from the air.

.....

The guiding line of my actions was not the creation of an aggressive force which would threaten other peoples, but merely the establishment of military aviation which would be strong enough to repel at any time attacks on Germany.

.....

The German air force is just as passionately permeated with the will to defend the Fatherland to the last as it is convinced on the other hand that it will never be employed to threaten the peace of other nations.

H0665 - 0023

Exhibit FRICK No. 9

Extract from a speech by Hitler of 7 March 1936

This document has already been presented by the prosecution under No. 2289 - PS - USA Exhibit No. 56

H0665 - 0024

(Page 21, lines 4 to 8 incl.)

Page 6, column 1:

We have no territorial claims to make in Europe. We know above all that all the tensions resulting either from false territorial settlements or from the disproportion of the numbers of inhabitants to their living spaces cannot, in Europe, be solved by war.

H0665 - 0025

Exhibit FRICK No. 10

Extract from an interrogation of SCHACHT on 17 October 1945.

USA Exhibit No. 616

H0665 - 0026

(Page 23, lines 5 to 22 incl.)

Q: And when you stated the goal of a man like that, knowing the sequence of German history from the time he took power, there must have been at least an implication in your mind that he would set out to get what he wanted; isn't that correct?

A: If he could reach it by normal means.

Q: Now, that is what I want to ask you: Have you anything to suggest as to why you thought Hitler would be limited to achieve his goals only by normal means?

A: I had hoped so.

Q: No, but have you anything concrete to offer in support of that statement then? That was, what he was after, in any event.

A: Only his permanent assurance that he would maintain peace, which he stated at every public occasion, and privately in our conversations, too.

.....

.....

(Page 24
of orig)

Frick!

Exhibit FRICK No. 11

Telegram of Cardinal, Archbishop SCHULTE of [illegible] March 1936 to the Supreme Commander of the Armed Forces.

H0665 - 0027

H0665-0028

(Page 25, lines 5 to 13 incl.)

Cardinal Archbishop SCHULTE has sent to the Commander in Chief of the German Armed Forces, General VON BLOMBERG, a telegram in which - at that memorable hour when the Armed forces of the Reich are reentering the German RHINELAND as the guardian of peace and order - he greets the collected fighting men of our nation with deep emotion and mindful of the magnificent example of self-sacrificing love of fatherland, stern manly discipline, and upright fear of God which our Army has always given to the world.

Frick 2

(Page 26
of orig.)

Exhibit Frick No. 12

Solemn declaration of faith of the Bishops of Austria to the Greater German Reich, of 18 March 1938.

H0665 - 0029

H0665 – 0030

Exh. Frick No. 12

(Page 28 lines 17 to 32 incl.)

We joyfully acknowledge that the National Socialist has performed, and still is performing, splendid service for the German Reich and people, and especially for its poorest classes, in the field of national and economic reconstruction, as well as social policy. We also are persuaded that the danger of the all-destroying, godless Bolshevism was averted thanks to the activity of the National Socialist movement. The bishops are accompanying this work for the future with benediction and will also exhort all the faithful in the same way.

On the day of the plebiscite it is an obvious national duty for us German bishops to reveal ourselves as Germans to the German Reich and we also expect all believing Christians to be aware of what they owe to their people.

H0665 - 0031

(Page 30
of Orig)

Frick 3

Exhibit FRICK No. 13

Extract from a statement by FRICK to the diplomat corps in Berlin of 5 March 1934.

H0665-0032

(Page 31, lines 5 - 7, incl.)

[redacted]

Page 63 .....

The national revolution is the expression of the will to eliminate by legal means every kind of external and internal foreign domination.

H0665-0033

Exh. 4

Exhibit FRICK No. 14

Extract from a speech by FRICK during a convention of the League for Germanism abroad of 19 May 1934.

H0665 – 0034

(Page 33, lines 1-3, incl.)

Quite apart from political aims or even those of power-policy, the VDA(Volksbund für das Deutschtum im Ausland, National League for Germanism abroad)was created to promote German cultural relations with Germans living abroad.

(Page 33, lines 14-19 incl.)

The VDA has nothing to do with aims of power-politics or with questions of frontiers; it is and must be nothing more than a rallying point for the cultural German national aims of our fellow countrymen the world over...

If throughout the world respect for foreign nations and love for one's own / are triumphant.

H0665 – 0035

Page 34 - lines 1 to 7.

then true attachment and love for the German nation can be no hindrance to the fulfillment of even the obvious citizens' duties. For these reasons we also wish that the "VDA" should remain a non-political, independent, purely German association, which persues no aims of power-politicy whatever.

H0665 - 0036

Ex. 5

(Page 35 of orig)

Exhibit Frick no. 15

Decree by the Reich Minister of the Interior of 24 Feb 1933 about the league for Germanism abroad.

3258 PS

H0665 - 0037

Page 36, line 10 from...

Also, regard for the needs an

H0665-0038

(Page 37, line 32)

Misery of the time, and for the lack of work and bread within Germany, ought not to divert attention from the fact that the around 30 million Germans in foreign countries. (Auslandsdeutschen) outside of the present contracted borders of the Reich are an integral part of the entire German people. They are an integral part, which the Reich Government is not able to help economically, but whose cultural support through the league primarily concerned with this, the League for Germandom in Foreign Countries it considers it is obligated to make possible.

. . . . . .

I should like accordingly to direct the special attention of the governments of the federal states to the activity of the League for Germandom in Foreign Countries with the idea that it be accorded privileged treatment. It is primarily the school groups which carry on the propaganda work of the League, in which at the same time the education of the youth to patriotic thinking takes place, an education which is above denominational and party differences. I will, therefore, attach the greatest value to the fact that its school meetings be accorded the greatest freedom of action and that the pupils be allowed to wear the insignia of the League in the schools. I would except an effective enlivenment of this work, if the supervisorsof all the schools, in their annual reports to their superior authorities concerning the school activities, will be urged to report the furtherance of the League by the school groups of each school.

H0665 - 0039

(Page 38 of Orig.)

Exhibit Frick No. 16

Decree to the law for the joining of Austria with the German Reich.

Reichsgesetzblatt 1938, Part I,

Page 249

1060 PS

H0665 - 0040

(Page 39, Lines 5 to 7 incl.)

1) The Reichsminister of the Interior is the competent office for the accomplishment of the Reunion of Austria with the German Reich.

H0665 - 0041

Exhibit FRICK No. 17

Decree by the Fuehrer and Reich Chancellor concerning the Administration of the Sudeten German territories of 1 Oct 1938.
Reichsgesetzblatt 1938, Part I, Page 1331

Document 3073 PS

H0665 - 0042

Exh.FRICK No.17

Art.2 The Reich Commissioner for the Sudeten German Territories becomes the head of the administration of these territories.

Art.3 The Reich Commissioner is directly subordinate to me.

.....

Art.8 The central office for the assimilation into the Reich of the Sudeten German Territories is the Reich Minister of the Interior.

H0665-0043

Exhibit No. 18

Law on the joining of the Memelland
to the German Reich of 2 March 1939
Reichsgestzblatt 1939, Part I Page 559

Document No. 3074- PS.

H0665 - 0044

Arib. 6

The central office for the reunion of the Membel area (Memelland) with the Reich is the Reich Minister of the Interior.

H0665 - 0045

Exhibit FRICK No. 19

Sudetengau law of 14 April 1939

Reichsgesetzblatt, 1939, Part I,

Page 780

Document 3076 - PS

H0665 - 0046

(Page 45, line 4)

Para.2

(1.) At the head of the Reich Gau stands the Reich Governor, Reichsstatthalter.

H0665 - 0047

Exhibit FRICK No. 20

Law on the joining of the Free City of Danzig with the German Reich Reichsgesetzblatt 1939, Part, I, Page 1548

Document 3077-PS

H0665 - 0048

(Page 47, lines 1 - 2 incl.)

The central authority for the reunion of Danzig with the German Reich is the Reich Ministry of the Interior.

H0665-0049

Exhibit FRICK No. 21

From the Decree of the Fuehrer and Reich Chancellor on the organization and administration on the Eastern territories of 8 Oct. 1939

Reichsgesetzblatt I, 1939, Page 2042

Document 3078-PS

H0665 – 0050

Page 49 - lines 1 - 6 incl.

Par. 1 In connection with the reorganization of the Eastern Territories the Reich Gaue of West Prussia and Posen are created in the union of the German Reich.

At the head of the Reich Gaue is a Reich Governor. (Reichsstatthalter).

.....

The central authority for the reorganization of the Eastern Territories is the Reich Minister of the Interior.

H0665-0051

(Page 50 of orig.)

Exhibit FRICK No. 22

From the

Decree of the Fuehrer concerning the administration of the occupied Polish territories of 12 Oct. 1939

Reichsgesetzblatt 1939, Part I

Page 2077

Document 3079 PS

(Page 51 line 6 to 14 incl.)

H0665-0052

Par. 1: The territories occupied by the German troops, as far as they are not embodied into the German Reich, are placed under the authority of the Governor General.

.....

Par. 3: The Governor General is under my direct orders.

.....

Par. 8: The central office for the occupied Polish territories is the Reich Ministry of the Interior.

H0665-0053

Exhibit FRICK No. 23

From the Decree of the Fuehrer and Reich Chancellor for the execution of the rejoining of the territories of EUPEN, MALMEDY and MORESNET with the German Reich
Reichsgesetzblatt 1940, Part I, Page 303

Document 3080-PS

H0665-0054

(Page 53, lines 8 to 10 incl.)

Par. 5: The Central Office for the reincorporation into the German Reich of the territories specified in Par. 1, is the Reich Ministry of the Interior.

H0665-0055

Exhibit FRICK No. 24

From the

Decree concerning the creation of a Central Office for the occupied territories in Norway of 12 January 1941

Document 3082-PS

H0665-0056

(Page 55, line 7 to 20, incl.)

Exh.FRICK No.24

A Central Office for Norway is being set up the Reich Ministry of Interior. The head of the Central Office is State Secretary Dr. STUCKART of the Reich Ministry of Interior. The Central Office for Noway has to see that there is a unified co-operation suitable to Norway's needs between the supreme authorities of the Reich themselves and the Reich Commissar for the occupied Norwegian territories. Within these limits it has to effect a balance between the interests of the supreme authorities of the Reich and those of the Reich Commissar, to advise the Reich Commissar and to secure support for him through the supreme authorities of the Reich. It has to take an equal care of the staff allocated to the Reich Commissar in agreement with the supreme authorities of the Reich concerned.

H0665-0057

Exhibit FRICK No. 25

Excerpts from the Diary of Hans FRANK

Document USSR 223

H0665-0058

(Page 57 lines 7 to 10 incl.)

P.1.

Dr.FRANK: .....

Equally illuminating is the fact that the entire authority in this area rests exclusively with the Governor General and that no Reich head offices can exert any direct influence here.

. . . . . .

(Page 57, lines 23 to 26 incl.)

II.

The Senior SS and Police leader (Secretary of State for Security) is directly subordinated to the Governor General, or in case the latter is otherwise engaged, to his deputy.

H0665-0059

Exhibit FRICK No 26

Excerpts from the files of the presidential chancellery of the Fuehrer and Reich Chancellery

---

This document has already been presented by the prosecution under No. 1997 - PS - USA Exhibit No. 319

H0665-0060

(Page 60, Lines 12 to 16 incl.)

Article 2.

The Civil Administration in the newly occupied Eastern territories, where these territories are not included in the administration of the territories bordering on the Reich or the General Government, is subject to the "Reich Minister for the Occupied Eastern territories."

. . . . . .

(Page 60, Lines 24 - 25 incl.)

The policing of the newly occupied Eastern Territories is the business of the Reichsfuehrer SS and Chief of the German Police.

(Page 61, lines 8 to 10 incl.)

H0665-0061

III) For the execution of police security a higher SS and Police Fuehrer is attached to every Reich Commissar and placed under the immediate and personal orders of the Reich Commissar.

H0665-0062

Exhibit FRICK No. 27

From the

Decree of the Fuehrer and Reich Chancellor concerning the Protectorate Bohemia and Moravia of 16 Mar 39

Reichsgesetzblatt 1939, Part I, Page 485

Document 2119-PS

(Page 63, lines 5 to 9 incl.)

Article 3: The Protectorate of BOHEMIA and MORAVIA is autonomous and governs itself.

.....

Article 5: The Fuehrer has appointed a "Reich Protector for BOHEMIA and MORAVIA" to safeguard the interests of the Reich.

H0665-0064

Exhibit FRICK No. 28

Extract from

the budget of the Reich Protector for the

year 1944

Document 1366-PS

H0685-0065

(Page 65, lines 4 to 12 incl.)

The Fuehrer has modified the position, duties and authorities of the Reich Protector in Bohemia and Moravia upon the appointment of the new Reich Protector. The Reich Protector is the representative of the Fuehrer in his capacity as Chief of State. . . It is his function of confirm the members of the government of the Protectorate, to appoint, dismiss and retire the German civil servants. He exercises the power to grant pardons and to quash legal proceedings except in cases before the Military and SS Police Courts.

- - - -

(Secret Decree of Reich Minister and Chief of the Reich Chancellery Lammers of 29 August 1943, RK. 99 MD)

H0665-0066

Exhibit FRICK No. 29

Excerpt from supplement No. 5 of the official Czechoslovakian report "German Crimes against Czechoslovakia"

This document has already been presented by the prosecution under No. 3443-PS - USSR 60.

H0665-0067

(Page 67, lines 5 to 15 incl.)

The Activities of the Defendant Wilhelm FRICK

Wilhelm FRICK, former Reich Minister of the Interior, became in August 1943 so-called Reich Protector in Bohemia and Moravia. Simultaneously with this appointment, HITLER also reorganised the position, duties and rights of the Reich Protector. By virtue of this reorganisation the Reich Protector became in future the representative of HITLER in his character as Chief of the Reich. It was his duty to confirm the members of the so-called Protectorate Government, to nominate and dismiss German officials in the Protectorate and decide on their superannuation; his competence extended further to amnesty and abolition.

H0665-0068

Exhibit FRICK No. 30

Excerpt from the book by Hermann GOERING "Reconstruction of a Nation"

(Aufbau einer Nation)

This document has already been presented by the prosecution under No. 2344 PS - USA Exhibit No. 233.

H0665-0089

(Page 69, lines 4 to 11 incl.)

(Page 88 . . . . . .

For weeks I worked personally on the reorganisation, and finally created, alone and as the result of my own decision and my own deliberations, the "Secret State Police Office "(Geheimes Staatspolizeiamt")

(Page 89 . . . .

Page 88 . . . bottom: Today I once more reorganized the Secret State Police Office and placed it directly under my command.

H0665-0070

Exhibit 6

Exhibit FRICK No. 31

Extract from a decree by the Reich Minister of the Interior concerning protective custody.

Document 779 PS

H0665-0071

(Page 71 of Orig. Lines 4 to 28 incl.)

(1): In order to correct the abuses that have occurred in connection with the decree for protective custody the Reich Minister for the Interior has determined in his directives of 12 April 1934 to the Country governments (Landesregierungen) and District Governors (Reichsstatthalter) concerning the decreeing and execution of protective custody that protective custody may be ordered only a.) for the protection of the arrested person, b.) in case the arrested person, by his behaviour or especially by activities directed against the State, has directly endangered the public security and order. Therefore the decree of protective custody is not admissible when the above mentioned cases are not applicable, especially, a) against persons who merely make use of their public and civil rights (e.g. denunciations, accusations and complaints); b) against lawyers for representing the interests of their clients; c) for personal affairs, such as offenses; d) on account of economic measures (questions of salary, dismissal of employees and similar cases).

Furthermore, protective custody is not admissible as a countermeasure for punishable actions, because courts are competent in those cases. Nor may protective custody be decreed because a person behaves in an unsocial or otherwise objectionable manner; except that by such behaviour public excitement would result and for that reason a protective custody in the interest of the protection of the arrested may become necessary.

H0665-0072

(Page 73
of Orig.)

7a. 7

Exhibit FRICK No. 32

Extract from the "Voelkische Beobachter" of 14 April 1934 concerning protective custody.

H0665-0073

Exh. FRICK No. 32

(Page 74, lines 22 - 33, incl.)

Hence the decree of the Reich Minister of the Interior, corresponding to the Prussian model limits the competence for the infliction of protective custody, as well as the length of its duration, which may not extend beyond 8 days if the order for protective custody is not issued by the highest provincial authority or is not expressly confirmed by it.

The order for preventive custody must be given in writing and must contain the reasons for the protective custody and be delivered to the arrested person at once. For the reasons the person in custody must be heard. The decree of the Ministry of the Interior further ordains

H0665-0074

(Page 75, lines 1 to 5 incl.)

that protective custody is only permitted for the arrested person's own protection or if he should directly endanger public security and order by his behaviour, especially by activities hostile to the state.

H0665-0075

(Page 76
of Orig.)

Fr. 8

Exhibit FRICK No. 33

Excerpt

from the book by SEOHR "Legality of

Protective Custody" (Recht der Schutzhaft)

L 302

H0665-0076

(Page 77, lines 16 to 20 incl.)

It is viewed legally as an empowering-act to Paragraph 1 of the act of February 1933 and aims at a uniform administering of custody throughout the Reich, while avoiding wrong usage and arbitrary action.

(Page 78 of orig.)

Ex. 9

Exhibit FRICK No. 34

~~060~~

Excerpt from the memorandum of the Reich and Prussian Minister of Interior concerning the clarification of the competency in police matters.

Document 775 PS

H0665-0077

H0665-0078

(Page 79) line 4 to end

As Chief of the Department of Police in the Reich and Prussian Ministry of the Interior, I have noticed lately an ever increasing internal political tension, which makes a clarification of authority both as regards the general police and more especially the political police, evidently urgently necessary.

1). Fight against the Church. . .

2). Lately, there has been a marked increase of cases of protective custody I demand urgently that in this matter also, final directives to be given concerning methods, proof, length of time and manner of execution. The decree on protective custody by the Reich Ministry of the Interior has been made invalid long ago by the actions of the political police. It is almost impossible to receive an adequate report on a case of protective custody. The petitions, addressed to us in this matter, all stress the same point, which I also regard as important. The parties concerned and their relatives accept protective custody as a matter of fact, but not the complete uncertainty as regards the manner and principles by which it may or may not be imposed. This unquestionable lawlessness (Rechtsunsicherheit) fosters unrest and antagonism. It is intolerable for the Reich Min Ministry of the Interior, when there is a different interpretation and application of the law in the

H0665-0079

(Page 80, lines 1 to 7 incl.)

respective states, thereby obstructing a uniform execution of the law. The question must also be settled whether as approved by the judicial association N.S., in agreement with the Reichminister of Justice, in cases of protective custody a person is allowed a lawyer, or as is actually practised by the secret state police this is refused.

(Page 80, lines 15 to 30 incl.)

3). For official political reasons I must object on principle to the fact that lately once more and without previous knowledge of the Superior Authorities, officials have been taken into protective custody or what is sometimes even more, they have been subjected to State Police investigations. I cite here only the case of my teacher and Kreisleiter at Esterwegen, who was kept in protective custody for 8 days, because he had sent a correct report, as proved afterwards, to his district councillor on abuses by the SS. I remember the investigations by criminal assistants of the Gestapo in Kottbus, lasting two weeks on the Chief of Police in that phase, by the way an SS Brigadefuehrer. Likewise I have already presented today a complaint by the Oberpräsident LOHSE, concerning the order to an official of the gendarmerie for espionage on superior officials by officers of the political police.

H0665-0080

(Page 81, lines 17 to 33 incl.)

7.) I propose, that it be settled once and for all, not only who is to bear the responsibilities for the directives but also who shall bear the responsibility for the carrying out of these directives in all matters appertaining to the political police.

Either: This responsibility rests with the Reich Minister of the Interior. Then he has to be vested with altogether different powers to give orders in political matters concerning the police.

Or: This responsibility with all its consequences is borne by the Reichfuehrer SS, who is already actually claiming the management of the political police in the Reich. In this case, I would propose that the law, laid down for Prussia by SS, HIMMLER, becomes Reich Law immediately, elevating the office of the Secret State Police to the status of a ministry and the Chief of the office of the Secret State Police undertakes the tasks which he - as is already stated in the draft of the law, "determines."

H0665-0081

Exhibit FRICK No. 35

Extract from the

Decree concerning the appointment of a

Chief of German Police in the Reich

Ministry of the Interior

of 17 June 1936

Document 2073 PS

H0665-0082

(Page 84, lines 5 to 9 incl.)

I.

For the unification of police duties in the Reich, a Chief of German Police is instituted for the German Ministry of the Interior, to whom is assigned the direction and conduct of all police affairs within the jurisdiction of the Reich and of the Prussian Ministries of the Interior.

(Page 84, lines 19 to 21 incl.)

The Chief of the German Police in the Reich Ministry of the Interior shares in the sessions of the Reich Cabinet, insofar as his jurisdiction is concerned.

H0665-0083

Exhibit FRICK N. 36

Extracts from the books published by Drl LEY "Decrees, Orders, Proclamations.

(Verfuegungen/Anordnungen/ Bekanntgaben)

This document has already been presented by the prosecution under NO. 1723 - PS - USA Exhibit No. 216

H0665-0084

(Page 87, lines 6 to 28, incl.)

In a summary of all the previously issued decrees on the cooperation between the Party and the Gestapo I refer to the following and ordain:

.....

Page 436

Protective Custody (Regulations)

Through the circular of the 25 January 1938, the Reich Minister of the Interior has issued new regulations regarding the introduction of protective custody. In the follwwing, I announce the wording of this decree for confidential informations.

The Reich Minister of the Interior Berlin 25 Jan.1938

The following regulations regarding protective custody go into effect on the 1 February 1938.

.....

Page 437

Article I

Admissibility

Protective custody can be decreed as a coercive measure of the Secret State Police against persons who endanger the security of the people and the state through their attitude, in order to counter all aspirations of enemies of the people and state.

Protective Custody shall not be decreed for penal purposes or as a substitute for punitive arrest. Punishable offenses have to be decided finally by the courts.

.....

H0665-0085

(Page 88, lines 3 to 18 incl.)

Every motion has to be substantiated in detail; the statements of the arrested person have to be considered in it. A copy of the hearing of the person temporarily apprehended has to be forwarded immediately.

3. Protective custody may only be inflicted if the accused has previously had a hearing on offenses imputed to him.

. . . . . .

Article 7

Duration

Page 438

1. Protective custody shall only be upheld as long as it serves its purpose.

2. The Secret State police bureau authorizes release from protective custody. For that reason the bureau investigates periodically but not exceeding 3 months, whether the protective custody should be cancelled. The release must have taken

place, at the latest, on the third day after the lifting of the protective custody.

(Page 89
of Orig)

Ex. 10

Exhibit FRICK No. 37

Letter of the former Reichstag Delegate

WULLE of 17 December 1945

H0665-0086

If, as known anti-fascist and HITLER opponent who has spent four years in prison and concentr tion camp because of his struggle against the NSDAP, I write to you to-day, the reason for that is that I believe it to be the duty of each decent person to pay back - just in difficult times - a certain debt of gratitude.

The former Reich Minister FRICK, whom I knew in 1924 as member of the Reichstag, has done much during the years of my imprisonment in order to ease my difficult fate. As my attorney of that time has told me, he often tried to persuade HITLER to release me, but without any result since it was HIMMLER who was in charge of the concentration camps. But I owe it to him that I have been treated in a comparatively decent manner at the SACHSENHAUSEN concentration camp.

(Lines 28 to 30 incl.)

I know from mutual acquaintances that he has often regretted not having been able to do more for me. Therefore, after my release from the KZ (concentration camp), I expressed my thanks in writing.

H0665-0087

H0665-0088

(Page 91 of orig.
Lines 1 to 9 incl.)

In my opinion FRICK belongs to those people who joined the NSDAP out of idelaism, in the belief that it represented a means by which his nationalistic desires might have been fulfilled. He was also advised to do so by General LUDENDORFF, whom he deeply respected. He always stood out among the nazi demagogues by his objectivity and reserve; he was a man who by nature disapproved any act of violence.

Lines 18 to 24 incl.)

Since the spring of 1925 I have been involved in a sharp struggle against HITLER and his party. This struggle has been fought passionately on both sides. All the more I appreciate FRICK's attitude that despite this antagonism and in his comparatively powerless position with respect to HIMMLER, he tried everything to help me and my wife during the bitter years of my concentration camp imprisonment.

H0665-0089

Exhibit FRICK No. 38

not submitted

Affidavit by FRICK to a member of the prosecution, November 1945.

Document 3043-PS

H0665-0090

(Page 94, lines 12 to 27 incl.)

2.) If you give any guilt for all these developments there can be two things. Either you can say I helped Hitler to come into power. This seemed to me at the time a very good thing to happen because he actually was the strongest political and he had proved his strength : After taking over power he eliminated unemployment. The later development however could not be recognized in 1933. And the second thing you can charge me with is this: After I have been with Hitler and seen what is going on regarding the elimination of my influence I did not open and sharp protest against the new "Kurs" introduced by HIMMLER and go out of the cabinet, also against the will of HITLER, whom I often have offered my demission. But also such a demission would not have changed the direction of the policy . Only a persecution of my person would have been the consequence.

(Page 96
of Orig)

Ex. 12

Exhibit FRICK No. 39

Extract from the book by John Gunther " Inside Europe"

H0665-0091

H0665-0092

(Page 97 of Orig. lines 6 to 14)

The perfect Bureaucrat - Frick

Born in the Palatinate in 1877, Frick studied law and became a Beamter, an official. He is a bureaucrat through and through. Hitler is not intimate with him, but he respects him, He became minister of the Interior because he was the only important Nazi with Civil service training. Precise, obedient, uninspired, he turned out to be a faithful executive; he has been called the "only honest Nazi".

H0665-0093

Fr. 13

Frick Document No. 42

Appendix No. 1

to document book FRICK

From the book by Hans Bernd GISEVIUS

Publisher FROTZ and WASMUTH, ZURRICH)

"To the Bitter End"

(Bis zum bitteren Ende)

---

submitted by Dr. Otto Pannenbecker

defense Counsel for the Defendant

FRICK.

H0665-0094

(Page 103, Lines 5-30 incl.)

Page 149

"Whoever is brutal, rises. He who does not know how to use his power - for example, FRICK - falls".

Page 150-151.

So just to make use of this example - in the first year of the Revolution the Reich Cabinet is still a constitutional, decision-making body. In the second year it is consulted from time to time. In the third, from time to time listened to. In the fourth year the Fuehrer honours "his" Ministers only with communications. The last of these disclosures is on February 4th. 1938. Its false representation that general Freiherr von FRITSCH had been convicted of homosexual offenses can unfortunately no longer be contradicted. For after that the Reich Cabinet never meets again. The Ministers find out from the daily papers that meanwhile Austria and the Sudetenland have been brought home". They hear on the STRASSBURG transmitter what new conflicts arise and they then have to listen to the British broadcast - (also forbidden) - to discover in time that meanwhile a second world war has broken out.

Page 211.

FRICK, who had then passed 60, was without question a confirmed Nazi and a tested disciple of his brown-shirted master. At the same time however he did not disown his origin as a public official. Burocrat as he was, he thought that even in a revolution everything could go by law and order.

H0665-0095

(Page 104 of orig.)

Page 211: FRICK was glad when in contract to the timidity of his two state secretaries he found someone to procure for him the material needed as well as the necessary drafts for the severe orders.

Page 312: But here I must recall this much, that until 1936, in contract to the later years of the Dictatorship we possessed no unified government police authority. The executive power belonging to the States. The Reich Minister of the Interior could petition them, but he had no effective control over the carrying out of his decrees. Practically, FRICK depended on the pleasure of his representatives most of whom were thought more of at the Chancery than he was himself. For him they called ironically the unpolitical technical minister.

Page 314/ 315: Formally, he (FRICK) was right to present portests to the Fuehrer. Actually , HIMMLER had a greater weight when he simply pigeon-holded complaints from the Reich Ministry of the Interior.

In the minor war, often fought with grotesque methods which now began between FRICK and HIMMLER the latter was clearly the winner the HIMMLER simply renounced the official positions FRICK would not grant him. Fustead he went to the Finance Minister of each State, and before all to the Finance Minister of Prussia to propose support for his concentration camps which the SS, in their complete altruism, had so far maintained out of their own means.

The finance minister paid FRICK was nettled and HIMMLER thus financed his Gestapo.

H0665-0096

(Page 105, lines 12 incl.)

Page 329:

The composition ended with the confirmation that it was now since to take up in principle the problem of protective custody.

For sound reasons it would not be presented direct but indirectly through the Reich Chancellery. FRICK hoped that this especially impressive case would give HITLER also matter for thought. Naturally HIMMLER was exceedingly annoyed about it. He went with it to a meeting of the members of the Supreme Party Directorate, read it out and then asked whether such an expression was customary among them. That high assembly of course denied it and FRICK was accordingly repulsed.

17 Apr 1946

We, CATHERINE BEDFORD, Brit. Civ., 110561, and SGT.ERWIN STREISINGER, 40138067, hereby certify that we are thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document.

CATHERINE BEDFORD
Brit. Civ., 110561

SGT. ERWIN STREISINGER
40138067.

H0665-0097

SUPPLEMENT No. 2

to

DOCUMENT BOOK FRICK

submitted by the

DEFENSE COUNSEL

of the defendant FRICK

Dr. Otto PANNENBECKER

Attorney-at-law

H0665-0098

Supplement No. 2 to Document Book FRICK

Copy of the

letter of Pastor Bernhard KETZLICK

(Herstelle Weser/ ueber Beverungen)

H0665-0099

(Page 1, line 5 to end)

My dear Dr. PANNENBECKER:

I do not know whether I am stating anything new; in any case I cannot rest easy because the Nuernberg defendants and many another German is being accused, that he must have known about conditions in concentration camps. I can only confess if I, as a Catholic clergyman, would not have been in DACHAU myself as an inmate, I like many thousands - would hardly be able to believe what is "said" to have happened in concentration camps, that is what actually did happen for those who knew. This was not known by me previously (before my arrest in 1941) despite the well-known names of DACHAU, ORANIENBURG etc., and probably was not known by most Germans either.

And if one now accuses the defendants, such as Dr. FRICK, that they were in DACHAU or in some other concentration camp, then I can only state as a former concentration camp inmate (and this is the main reason why I bother you with these lines): considering the manner in which the visitors in DACHAU were led around the camp, I cannot reproach any of them for not knowing anything about true conditions.

The visits proceeded as follows:

If a visit was reported from far (no matter whether it really took place or not), everyone became nervous, that is everyone was made nervous by the words: "Visitors are coming!" or even "Important visitors are coming!" Everyone had to disappear from the streets, everyone had to stay nicely in the barracks, in the sick bay everyone had to be in bed, only the personnel were ready for reception. The main camp street, with lawns and flower beds on either side, an avenue lined with poplars was always clean; again and again, columns of approx. 20 to 30 men went over the street in order to pick up larger stones, snips of paper and everything else as immaculately as possible;

./.

H0665-0100

(Page 2, lines 2 to 20 incl.)

the side streets between the individual blocks, the so-called block streets were kept immaculately clean in the same manner, in summer they were sprinkled with water. No one was allowed to let himself be seen; the visitors got to see some prominent personalities in their best clothes, well made, but hardly any of the average inmates, and nothing at all of the misery in the hospital block or the punitive executions, shootings and probably not the experiments such as those infected with malaria etc.

The visitors were then led through the best blocks: kitchen, canteen block for prominent personalities, block for clergymen (especially the chapel); then into the best rooms of the sick bay: all smaller rooms with good bed linen and few beds in one room, but probably never into the blocks of the sick bay with all the misery: "physically weak people" (that is half starved), dysentery, typhus etc. and with over-crowded rooms, the beds one above the other, at times not even one bed for each etc. If one of them could not report anything bad after such a visit yes, if he had a good, even a very good impression about the cleanliness (which was very great in DACHAU, especially at the beginning) the discipline, the good appearence of the inmates etc, one cannot reproach them for that.

(Page 2, lines 26 to 28 incl.)

With Heartiest Greetings

Yours Very Respectfully

signed: P. Bernhard KETZLICK, Vicar.

I, WANDA S. TIESZEN, Civ., X 046265 hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the original document.

WANDA S. TIESZEN

Civ., X 046265

H0665-0101

SUPPLEMENTAL DOCUMENT FOR THE DEFENDANT FRICK.

Frick Exhibit No. 14.

Frick No. 43

Interrogatory - George S. Messersmith.

Submitted July 3

Eagle 5

H0665-0102

Notice.

Not to be published until presented before the tribunal in open court and then only that portion actually submitted as evidence.

Ne pas publier avant présentation devant le tribunal en audience publique et seulement la partie réellement versée au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании Трибунала и только ту часть, которая представлена в качестве доказательства.

I certify that none of the documents included herein have been denied by the tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n4a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les règles du Tribunal, en date du 4 Avril 1946.

Ich bestätige, dass keine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1946.

[signature]

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers

H0665-0103

H0665-0104

July 3, 1946

Certified copy of Document

FRICK Exhibit No.14

FRICK No.43

(Supplement No.3 to FRICK Document Book)

---

submitted by Defense Counsel

of Defendant FRICK

Dr. Otto PANNENBECKER

Attorney-at-Law

H0665-0105

Certified copy of Document

FRICK Exhibit No.14

FRICK No. 43

(Supplement No.3 to FRICK Document Book).

Answer to questionnaire addressed to

George S. MESSERSMITH, Mexico on 16 Feb. 4

Submitted by Defense Counsel

for Defendant FRICK

Dr. Otto PANNEBECKER

Attorney-at-Law

H0665-0106

FRICK Exhibit No. 14
FRICK No. 43

Literal reproduction of questionnaire addressed to George S. MESSER* SMITH, Mexico on 16 February 1946.

Questions to witness MESSERSMITH, Mexico:

In an affidavit dated 30 Aug. 1945, you stated the following:

"High ranking Nazis with whom I had to maintain official contact, particularly men such as GOERING, GOEBBELS, LEY, FRICK, FRANK, DARREE and others, repeatedly scoffed at my position as to the binding character of treaties and openly stated to me that Germany would observe her international undertakings only so long as it suited Germany's interests to do so."

1.) When and where did you talk with FRICK?

2.) For what motive?

3.) How did you come, on this occasion, to talk with FRICK about matters of foreign policy?

4.) Did you bring the conversation to this subject or did FRICK?

5.) Were other persons present at the conversation in question?

6.) As it is improbable that all the persons named by you in that particular paragraph of the affidavit said the same thing, is my inference right or wrong, that your statement is a combined interpretation of individual pronouncements expressed in varying terms?

7.) What did FRICK say in particular?

8.) Did his declaration have any reference to the Treaty of Versailles?

9.) Did FRICK make any reference to any knowledge he had of plans to abolish the Treaty of Versailles or its consequences by force?

I hereby certify that the above text is a literal reproduction of the questionnaire forwarded by me on the 16 February 1946 to George S. MESSERSMITH, Mexico.

Nuernberg, 18 June 1946.

signed: (Dr. Otto PANNENBECKER)

Attorney-at-Law

H0665-0107

FRICK Exhibit No.14
FRICK No. 43

(Supplement No.3 to FRICK Document Book)

Certified copy of answer to questionnaire transmitted on 16 Feb. 1946 to George S. MESS RSMITH, Mexico.

Copy of Answer:

United Mexican States)
Mexico, Federal District)
Embassy of the United)
States of America)

GEORGE S. MESSERSMITH, being first duly sworn, deposes and says as follows in answer to the interrogatories addressed to him by counsel for Wilhelm FRICK:

During my residence in Berlin, and during my later frequent visits there as stated in my prior affidavit: I saw Wilhelm FRICK and spoke to him on one or more occasions. However, I kept no diary and I am unable to state with particularity when and where the meeting or meetings occurred, the capacity in which FRICK there appeared or the topic or topics of our conversation. My judgment on FRICK expressed in my prior affidavit is based on personal knowledge, and on the general knowledge which I obtained from the many various sources described in my prior affidavits.

(signed) MESSERSMITH

Subscribed and sworn to before me
W. John WILSON, Jr.
Vice Consol of theUnited States
of America, duly commissioned
and qualified,
in Mexico, D.F., Mexico this
3rd day of April, 1946

(signed) W. John WILSON Jr.
W. John WILSON Jr.
Vice Consul of the United States
of America

Service No. 3594
Tarif No.38
No fee prescribed

H0665-0108

FRICK Exhibit No.14
FRICK No.43

Attestation of literal copy of answer to questionnaire transmitted on the 16 February 1946 to George MESSERSMITH, Mexico.

I hereby certify that the annexed document is a literal reproduction of the answer to the questionnaire transmitted on the 16 February 1946 to George S. MESSERSMITH, Mexico.

Nuernberg, 18 June 1946

signed (Dr. Otto PANNENBECKER)

Attorney-at-Law

H0665-0109

Notice.

Not to be published until presented before the tribunal in open court and then only that portion actually submitted as evidence.

Ne pas publier avant présentation devant le tribunal en audience publique et seulement la partie réellement versée au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании Трибунала и только ту часть, которая представлена в качестве доказательства.

Exh. Frick Nr.: 15

Frick Nr.: 44

Filed August 16, 1946

Certified Copy of the Answers to the Questionnaire Submitted to Dr. Walter Conrad, Berlin, on 17.6.46

H0665-0110

H0665-0111

Exh. Frick Nr.: 15

Frick Nr.: 44

Certified copy of the answers to the questionnaire submitted to Dr. Walter Conrad, Berlin.

Supplement Nr. 4 to the Document Book Frick.

Submitted by the Defense Counsel
of the Defendant Frick.
Dr. Otto Pannenbecker
Attorney-at-Law

Exh. Frick Nr.: 15

Frick Nr.: 44

TRANSLATION OF SWORN STATEMENT OF DR. WALTER CONRAD

Before me, George C. Laub, 1st Lt. J.A.G.D. authorized to administer oaths under AW 114, at Berlin, Germany, personally appeared Dr. Walter Conrad who, after being duly sworn by me through the interpreter made the following deposition:

I, Dr. Walter Conrad, 54 years old, German citizen, born at Barby, living in Berlin since 1900, studied law at Berlin University. I took my doctor degree in Erlangen and passed my state examinations in Berlin in 1922, in which year I began my service in the Ministry of Justice. In October 1922 I was transferred to the Reich Ministry of the Interior where I remained until 1943, so that I served under the Weimar Republic as well as under the Third Reich. Immediately after my being called to the Reich Ministry of the Interior I was appointed representative of the German government with the Supreme Court for the protection of the republic at Leipsig, in which capacity I served for five months.

On 30 January 1933 Dr. Wilhelm Frick became Reich minister for the Interior and remained in this office until 1943. During these years I was ministerial counsel (Ministerialrat) and as such his advisor on matters of church policy, that is for the evangelic church until February 1934, for the catholic church until the middle of 1935. In 1934 I was relieved from my duties regarding matters of the protestant church by express orders of Hitler, and after 1935 I had no longer anything at all to do with matters of church policy.

I should like to describe the activities of the Reich Ministry of the Interior as follows: As to the controversy between the Nazi Party and the church it was not fighting the church in the historical sense, that is the controversy between state and church, but a struggle for domination of the church. During the first years of national-socialist propaganda the Hitler regime was not able to master spiritual matters too. Therefore, it was important for the national-socialist propaganda to have also the pulpits for itself as a kind of loudspeaker, so to speak, because the Party was well aware of the fact that the clergy exercised a certain influence over the minds. Therefore, during the first years of the Nazi regime it was the aim of the Party to incorporate the apparatus of the church into the Party's power organization.

From the very beginning I realized this tendency of Hitler's fighting the church, and I took preparatory steps that it could not reach its goal. The strategic plan of the Party apparently was directed to fight the protestant church first and from that basis to conquer the catholic church. As a fighting organization the Nazis had at their disposal the movement of the German Christians, which was an affiliation of the party. The Reich Ministry of the Interior was the only ministry in Germany that was not under the influence of this movement. All the other German ministries, as the Ministry for Culture which was in charge of church policy, were in the hands of men who were unconditional adherents of this movement. The minister Dr. Frick opposed this movement from the very beginning, on my advise, I dare say, and he unconditionally followed my advice.

H0665-0112

The first big attempt of the Party to get hold of the power positions of the protestant church was made by means of the so-called state commissioners in the summer of 1933. By means of these state commissioners the Party intended to get into its hands first the evangelic church of Prussia in order to subsequently dominate the rest of the evangelic churches in Germany. This action had been kept secret, completely, until about the beginning of July. One morning we were taken by surprise by a communique to the effect that the Prussian government had installed the state commissioners and thereby taken into its own administration the evangelic churches of Prussia. I immediately could win Dr. Frick for the idea: these state commissioners are to be done away with again. The Party gave as reason for the institution of state commissioners that the churches were opposed to the plan of forming a united German protestant church. The Nazi Party followed the plan to coordinate the 20 various state churches into a unitary German protestant church.

I was able to persuade Frick that if he wanted such unification he could not do it by force and by the state commissioners either, but the members of the churches should be asked whether they wanted this unification. Therefore, I recommended church elections. Frick agreed to this suggestion and on my advice he immediately went to Hitler to ask for the removal of the state commissioners and for church elections. Frick made his proposal in the presence of Reich bishop Mueller who was Hitler's first advisor on matters of the churches, and in the presence of Minister for Culture, Rust. Though Frick had taken me along I was not called to the meeting. In broad outlines Frick succeeded in carrying through my plan with Hitler, and it is due to him that the state commissioners were removed. If this institution of state commissioners had remained in existence, all church life in Germany would have been extinguished by these commissioners.

The church elections brought a small majority of the German Christians, due to the fact that Hitler on the eve of the elections made a propaganda speech in their favour over the radio. My suggestion to install the famous Pastor Bodelschwingh as bishop of the newly established united protestant church of Germany unforunately could not be realised. Mueller, Hitler's candidate, became Reich bishop. From then on it was my endeavour to undermine this his position in any way, and I dare say that Dr. Frick was on my side. I was in a position to speak frankly and freely to Frick at any time. I collected material against Mueller. On 18 January 1934 Frick went to Hitler and asked that Mueller be ousted. Hitler was apparently embarrassed, didn't agree, however, but declared himself willing to receive a number of church leaders in order to discuss church questions with them. Before the meeting we had attempted to get some support from the president of the Reich, von Hindenburg, of which fact Pastor Niemoeller was also in the know. Unfortunately a telephone conversation of Pastor Niemoeller about this point was intercepted by the Gestapo, and Goering as chief of the Gestapo was in a position to introduce these utterances of Niemoeller just at the beginning of the meeting. Hitler suffered a fit of rage and the meeting proved a failure. In consequence of Goering's report and after the failure of the meeting Hitler received Reich bishop Mueller without Frick being present. Then Frick was summoned to Hitler and ordered to remove me from my position as advoser on church matters. Frick estimated my performance very highly, his opinion being that he could not do without me in the office and kept me in charge of matters related to catholic church policy. I held this position until the summer of 1935 when a special church ministry under minister Hans Kerrll was founded. The foundation of this ministry was an act directed against Frick, an act of diffidence of the Party towards Frick.

H0665-0113

Exh. Frick Nr.: 15

Frick Nr.: 44

In the question of sterilisation the catholic bishops intended to read a pastoral letter from the pulpits. Frick wanted to prevent this reading from the pulpits by all means andasked about my opinion. I recommended to let me go to the bishop of Berlin to discuss the whole question with him. Frick immediately agreed. I had a discussion with the deputy of the bishop of Berlin, Monsignore Lichtenberg, who contacted the bishop of Breslau. After three hours I was notified that the German bishops were in no position to change the text of the letter. Thereupon I advised Frick to content himself with a telegram of protest to the Archbishop, and Frick followed this advice.

My answer to the question whether Frick as minister made a protest to Hitler against activity that was harmful to the church is: as long as I held the position of his advisor on church matters he did. "Redress" was not necessary for the reason that the church was still in a strong position in the years 1933 and 1934. Those measures which Dr. Frick took should be called "counter action", and every counter action that I suggested to Frick he followed.

In 1937 the minister for church matters, Hans Kerrll, said that I ought to be transferred to a concentration camp because I was the person to whom the Party had to attribute the strong position which the church held in Germany. On the occasion of a meeting of leading persons of the German Christians in Koblenz on 6 January 1934 they considered it their main objective to drive a wedge between Frick and myself. The fact that Frick held me in my position in spite of all these attacks directed against my person is in my opinion favourable to him.

The foregoing deposition on 3 (three) typewritten pages is a correct version of the statements made by me at Berlin-Nikolassee, Germany, at 1000 hours on 6 July 1946. I swear before God, the Almighty that my deposition is the truth.

/s/ Dr. Walter Conrad

Subscribed and sworn to before me at Berlin-Nikolassee, Germany, this 8th day of July, 1946,

/s/ George C. Laub
/t/ GEORGE C. LAUB
1st Lt. J.A.G.D.

I swear that I truly translated the oath administered by 1st Lt. George C. Laub to Dr. Walter Conrad, and that I witnessed his above signature.

/s/ K. H. Markiewitz
/t/ K. H. Markiewitz
Pfc. 42 254 018
BDM-BDID, APO 755

Subscribed and sworn to before me at Berlin-Nikolassee, Germany, this 8th day of July, 1946.

/s/ George C. Laub
/t/ GEORGE C. LAUB
1st Lt. J.A.G.D.

H0665-0114

Exh. Frick Nr.: 15

Frick Nr.: 44

I swear that the foregoing is a true and correct translation of the statement of Dr. Walter Conrad, made at Berlin-Nikolassee, Germany, on 6 July, 1946, made to the best of my ability.

/s/ Dr. Ewald Reynitz
/t/ Dr. Ewald Reynitz
Court Reporter

Subscribed and sworn to before me at Berlin-Nikolassee, Germany, this 8th day of July, 1946.

/s/ George C. Laub
/t/ GEORGE C. LAUB
1st Lt. J.A.G.D.